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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,012	01/11/2002	Robert A. Cann		5208

7590

11/05/2003

ROBERT A. CANN  
189 MILL LANE  
AMHERST, MA 01002-2931

EXAMINER

BALSIS, SHAY L

ART UNIT	PAPER NUMBER
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1744

DATE MAILED: 11/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/046,012

Applicant(s)

CANN, ROBERT A.

Examiner

Shay L Balsis

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 January 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> . | 6) <input type="checkbox"/> Other:  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 1/11/02 is not in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is not considered by the examiner. The applicant did not provide the Office with a date for the prior art and therefore needs to do so in the applicant's response. However applicant has admitted that the Empire Brush is prior art.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the upper and lower portions" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the central portion" in line 4. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claim 1 rejected under 35 U.S.C. 102(b) as being anticipated by Harrah (USPN 5375286).

Harrah teaches a latch to secure a mop head to a handle comprising a pair of opposed tabs (19, 21) separated by a void. The upper and lower portions of the tabs correspond to apertures (28, 29) in the mop head. The central portion of the tab ramps (34, 35) outward such that the dimensions between the opposed tab ramps is larger than the aperture opening. The tabs are centrally located on a beam (not labeled but best shown by reference number 101 on figure 23) that extends a short distance beyond either end of the tab until it interconnects with a mop backing plate (not labeled but best shown on figure 23 as the plate on the back of 174).

6. Claim 1 rejected under 35 U.S.C. 102(b) as being anticipated by Smith (USPN 6029308).

Smith teaches a latch to secure a mop head to a handle comprising a pair of opposed tabs (56, 58) separated by a void. The upper and lower portions of the tabs correspond to apertures (68) in the mop head. The central portion of the tab ramps (64, 66) outward such that the dimensions between the opposed tab ramps is larger than the aperture opening. The tabs are centrally located on a beam (76, 79) that extends a short distance beyond either end of the tab until it interconnects with a mop backing plate (28).

7. Claim 1 rejected under 35 U.S.C. 102(b) as being anticipated by Morgan (USPN 3050761).

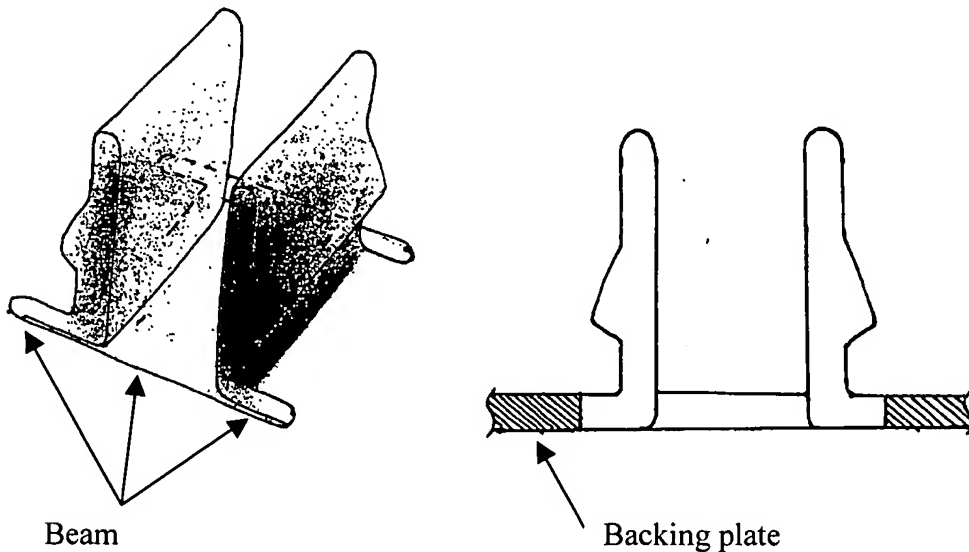
Morgan teaches a latch to secure a mop head to a handle comprising a pair of opposed tabs (41) separated by a void. The upper and lower portions of the tabs correspond to apertures (53) in the mop head. The central portion of the tab ramps (43) outward such that the

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dimensions between the opposed tab ramps is larger than the aperture opening. The tabs are centrally located on a beam (47) that extends a short distance beyond either end of the tab until it interconnects with a mop backing plate (37).

8. Claim 1 rejected under 35 U.S.C. 102(b) as being anticipated by Empire Brush Prior Art.

Empire Brush teaches a latch to secure a mop head to a handle comprising a pair of opposed tabs separated by a void. The upper and lower portions of the tabs correspond to apertures in the mop head. The central portion of the tab ramps outward such that the dimensions between the opposed tab ramps is larger than the aperture opening. The tabs are centrally located on a beam that extends a short distance beyond either end of the tab until it interconnects with a mop backing plate (see figures below).



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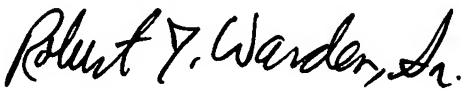
*Conclusion*

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shay L Balsis whose telephone number is 703-305-7275. The examiner can normally be reached on 7:30-5:00 M-Th, alternating F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Warden can be reached on 703-308-2920. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5665.

Slb  
9/30/03

  
ROBERT J. WARDEN, SR.  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700